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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,119	06/20/2003	Peter Strarup Jensen	SUNMP154	9130
32291 7590 09/20/2007 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
			EXAMINER HOSSAIN, TANIM M	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/600,119

Applicant(s)

JENSEN ET AL.

Examiner

Tanim Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-13 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office Action, filed June 12, 2007, is persuasive and, therefore, the finality of that action is withdrawn.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8, 9-11, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen (U.S. 2003/0133554) in view of Humphrey (U.S. 2004/0003039).

As per claim 1, Nykanen teaches an API for provisioning services, comprising: discovery transactions that allow an adapter software component to retrieve information regarding services available to a client device from a provisioning application, wherein one of said services comprises a plurality of content files capable of being installed on the client device (paragraphs 0010, 0011, 0013, 0034); subscription transactions that allow an adapter software component to manage content in service directories, wherein one of said service directories comprises a plurality of said services (0036, 0039, 0040, 0042, 0045); and delivery transactions that allow said adapter to facilitate downloading of data related to said services to the client

device (0024, 0045). Nykanen does not specifically teach the delivery transaction including an update transaction. Humphrey teaches delivery transactions to facilitate downloading of data related to services to the client device, with the delivery transactions including an update transaction that allows the obtainment of a provisioning update comprising a list of said services that should be installed on the client device, and a notification transaction that allows the provisioning application to request to perform said update transaction (paragraphs 0007, 0024, 0038, 0055, 0060, 0064, 0068). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to update services in a system that allows for service provisioning, as taught by Humphrey in the system of Nykanen. The motivation for doing so lies in the fact that service provisioning systems must necessarily use the latest services, which would therefore require an updating mechanism, such that the latest services are available. Further, the concept of updating services in response to new services being available is very well known in the art of service provisioning, with system updates for desktop PCs being an example. As such, the inclusion of this teaching would have been obvious to one of ordinary skill in the art at the time of the invention.

As per claim 2, Nykanen-Humphrey further teaches that the discovery transactions include a service directory transaction that allows said adapter to obtain information regarding said one of said services (Nykanen: 0013).

As per claim 3, Nykanen-Humphrey further teaches that the discovery transactions include a service directory discovery transaction that allows said adapter to obtain information regarding a desired service directory (Nykanen: 0045).

As per claim 8, Nykanen-Humphrey further teaches that the delivery transactions include a delivery transaction that allows an adapter to obtain a link to data, the link facilitating downloading of the data (Nykanen: 0045).

Claims 9-11, 16, and 18 are rejected under Nykanen-Humphrey on the same bases as claims 1-3, as the instant claims disclose limitations similar to those of the previous claims.

As per claim 17, Nykanen-Humphrey teaches a system for provisioning services, comprising: a provisioning server executing a provisioning application; an adapter software component (Nykanen: 0036, 0039, 0040, 0042, 0045; Humphrey: 0007, 0024, 0038, 0055, 0060, 0064, 0068); and a provisioning API in communication with the provisioning application and said adapter software component, the provisioning API comprising: discovery transactions that allow an adapter software component to retrieve information regarding services available to a client device from a provisioning application, wherein a service comprises a plurality of content files capable of being installed on the client device (Nykanen: 0036, 0039, 0040, 0042, 0045; Humphrey: 0007, 0024, 0038, 0055, 0060, 0064, 0068); subscription transactions that allow an adapter software component to manage content in service directories, wherein a service directory comprises a plurality of services (Nykanen: 0036, 0039, 0040, 0042, 0045; Humphrey: 0007, 0024, 0038, 0055, 0060, 0064, 0068); and delivery transactions that allow an adapter to facilitate downloading of data related services to the client device, with the delivery transactions including an update transaction that allows said adapter to obtain a provisioning update comprising a list of services that should be installed on the client device, the delivery transactions further including a notification transaction that allows the provisioning application to request an adapter to perform an update transaction, and wherein the delivery transactions

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further include a delivery transaction that allows said adapter to obtain a link to data, the link facilitating downloading of the data (Nykanen: 0036, 0039, 0040, 0042, 0045; Humphrey: 0007, 0024, 0038, 0055, 0060, 0064, 0068).

Claims 4, 5, 12, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen-Humphrey in view of Dobbins (U.S. 2002/0066033).

As per claim 4, Nykanen-Humphrey teaches the use of subscription transactions, but does not specifically teach that the transactions include a service subscription that allows a service to be added to a service directory. Dobbins teaches the use of a subscription transaction in which a service is added to a service directory (paragraphs 0097, 0100, 0101). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability for subscribers to add and remove services from the directories they access, as taught by Dobbins in the system of Nykanen, given that this concept is well known in the art of service provisioning. Further, the motivation to combine teachings lies in the fact that enabling subscribers to add and remove services as needed further adds to the efficiency of the invention, such that the clients will receive services they desire.

As per claim 5, Nykanen-Humphrey-Dobbins further teaches that the subscription transactions include an unsubscribe transaction that allows one of said services to be removed from said desired service directory (Dobbins: 0097, 0100, 0101).

Claims 12, 13, and 19 are rejected under Nykanen-Humphrey-Dobbins on the same bases as claims 4 and 5, as the instant claims disclose limitation similar to those of the previous claims.

***Response to Arguments***

Applicant's arguments filed on July 6, 2007 have fully been considered, and a new ground of rejection has been issued.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain

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Patent Examiner

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JASON CARDONE  
SUPERVISORY PATENT EXAMINER